

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 09, 2019

I. CALL TO ORDER

Mayor Ladwig called the meeting to order at 6:00pm. Council members in attendance: West, Miller, Ladwig, Baker, Davies. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. ADJOURN TO CLOSED SESSION

1. City Manager Hiring Process and Contract Review Pursuant to Government Code Section 54957

III. RECONVENE TO OPEN SESSION – CLOSED SESSION REPORT

Nothing to report.

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

Motion (Miller/West) to approve the agenda as submitted. Passed unanimously.

VI. APPROVAL OF MINUTES – 12-12-18 cc

Motion (West/Baker) to approve the minutes as written. Passed unanimously.

VII. COUNCILMEMBER REPORTS/COMMITTEE ASSIGNMENTS

West: HCAOG – Fourth Street project concept for pedestrian improvements was discussed. Project funding has been accepted for the 101 project. The City's housing element is outdated. Trinidad is currently working on this. HCAOG said farewell to Ryan Sundberg and thanked him for his contributions.

Miller: RCEA is setting up a committee to for financial oversight of the CCA Energy Program. Currently the renewable energy component is generated from local biomass. The community would like to see a more "green" energy source.

VIII. STAFF REPORTS

City Manager Berman highlighted staff accomplishments and various project status. City Manager hiring process, STR Permit renewals, and the cultural review process for the Van Wycke Trail project are all underway.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Leslie Farrar – Trinidad

Why were traffic counters under the freeway this week? Trinidad Rancheria representative Shirley Laos explained that they were hired by the Rancheria as a component of their Hotel project study.

X. CONSENT AGENDA

1. Staff Activity Report December 2018
2. Financial Statements October 2018
3. Law Enforcement Reports December 2018
4. Participate in a Multi-Jurisdictional Climate Action Plan with the Redwood Coast Energy Authority.
5. Resolution 2019-02; Authorizing Signature Authorities for the Caltrans Downtown Pedestrian and Connectivity Improvements Project.

Motion (Miller/West) to approve the consent agenda as submitted. Passed unanimously.

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Presentation from the Trinidad Trails Committee regarding Trail Priorities and Maintenance
Trinidad Trails Committee representatives Zack Brown, Scarlet Ibis, and Shirley Laos gave the first presentation by the Trails Committee since it formed in 2017. The presentation included a summary that included; Powers & Duties, Trails Map, Background Documents used, Committee recommendations, 2019 Prioritization Plan.

The immediate priorities identified included;

1. Axel Lindgren Memorial Trail (repair steps and remove invasive species)
2. Trinidad Head Trail (repair bottom steps, clear overgrown vegetation, improve signage).
3. A uniform signage system is needed for trails throughout town.

Council comments included:

Davies: Did the committee discuss options for soliciting volunteer service for certain tasks? **Laos** noted that there are volunteer resources available, but that conversation didn't rise to the top of the priority list. **Ibis** added that the committee reached out to HSU and there may be student resources available to assist in creating a maintenance plan and coordinate volunteers.

Ladwig: Noted there may be liability issues with volunteers that should be addressed.

Miller: A number of people use the road instead of the steps at the trail head. Are there any issues with this?

Public comment included:

Jim Cuthbertson – Trinidad

Wagner Street has two illegal signs. I'm very concerned about that and maintenance of the trail entrance.

Shirley Laos – Trinidad

How frequently would you like the Trails Committee to report to the Council? It seems like annually – during budget preparations – would be appropriate.

Jan West – Trinidad

Thanked the committee for identifying the need for managing invasive species. This is a very important issue.

Alan Grau – Trinidad

There are many exposed tree roots on the Trinidad Head Trail, likely caused by erosion.

Council comments included:

Ladwig: Is there a budget line item for trails? Berman responded, stating that there are priorities that need major work – beyond the scope of our general trails maintenance budget. However, cultural challenges make repairs (both routine and significant) very difficult.

*Motion (Miller/Baker) to accept the presentation and ensure the new City Manager is informed of the Committee and its priorities as recommended. **Passed unanimously.***

2. Discussion/Decision regarding Resolution 2019-01; Rezone and General Plan Map Amendment for APN: 042-042-17.

City Manager Berman explained that this project is located at 651 Parker Street. The property is currently developed with a 4-plex apartment building. The owner has requested a zone change from UR to Planned Development. The Planning Commission recommended approval of the rezone/general plan amendment at the public hearing on August 29, 2018.

Mayor Ladwig explained conflicts of interest as they pertain to the Council in regard to this project, and challenges that small town's face with both the distance and financial interest requirements. **Berman** added that there's also a bias component to the law that implies that Councilmembers should not come to a meeting with their minds made up. The public hearing process is intended to allow people to share information and comments with their elected officials about the subject at hand, and expressing support or opposition of a project beforehand could compromise the outcome of the decision, should it be challenged. The safest way to proceed is for each Councilmember to disclose their non-bias or perceived conflict – should they exist.

Ladwig recused himself due to the immediate proximity his home has to the subject property.

West expressed that he was comfortable participating as he did not believe the rezone would have no financial impact to him.

Davies claimed no financial interest to disclose, but did admit to sending a letter to the Planning Commission opposing the rezone back in August – prior to the election. He also added that he felt capable of making an unbiased decision that was in the best interest of the City.

Miller claimed no financial conflict to disclose, but noted ex-parte communication he had with the property owner prior to the hearing.

Baker claimed no financial conflict to disclose, but also noted ex-parte communication he had with the property owner prior to the hearing.

Both **Baker** and **Miller** shared the nature of their conversations with the property owner.

City Manager Berman explained the justification behind the rezone, why the owner chose to pursue it despite the Planning Commission's General Plan update already underway, and why the City agrees that the rezone is appropriate for that location.

Davies: If the current zoning UR only allows 1 dwelling per 8000 sqft of land, how could the City consider allowing more than 1 unit if it burned down? **Berman** explained that there could be a strong case made that the current property's septic system is functioning well serving 4-units, and therefore very likely serve 2 if necessary. That minimum lot size was determined based on septic function as justification.

Public comment included:

Jim Cuthbertson – Trinidad

What's the rush? Why can't he wait until the Planning Commission finishes the General Plan update?

Patti Fleschner – Trinidad

The current draft of the General Plan already recommends changing the zoning to PD. It's a very practical decision and the City Planner gave a great explanation for it.

Karen Gorick – Trinidad Eatery

What impact would there be to other properties if the rezone is allowed?

Kathleen Lake – Trinidad

Very concerned about the ex-parte communications that occurred prior to the meeting. This is illegal. I searched it on Google and it says so on the League of California Cities website.

Leslie Farrar – Trinidad

If you allow public comment for one, you should allow it for all. You should also take the online conflict of interest training. There's a housing shortage, and converting homes to STR's is a problem. What is the public benefit of spot-zoning this parcel?

Dorothy Cox – Trinidad

The General Plan update process has not been shared properly with the Council. It has not been transparent. Why not make this wait for the process to conclude?

Shirley Laos – Trinidad Rancheria

The Rancheria has no objections to this project. We did formally respond to the City Planner's notification.

Alan Grau – Trinidad

If the applicant approached only 1 Councilmember, that would have been ok. We need more housing for long-term residents, not STR's. Deny this request and wait for the General Plan update.

Council comments included:

Miller: This is a request for a zone change – not an additional STR license. This is the first step in the process. It is appropriate for this property to be zoned PD. It is surrounded by commercial and public uses. We are not approving a specific use. When that time comes, the Planning Commission will have a chance to weigh in.

Davies: My biggest concern is that the Planning Commission has gone through it and supported the City Planner's recommendation. Case-by-case zoning is not effective. This may give precedent to other multi-family properties. The PC approved this request at a time when there were 2 of the 3 commissioners were "outsiders".

Zone changes should be made only by in-city majorities. There is no benefit to the City, and we should wait for the General Plan process to conclude.

Baker: I hear Davies saying the PC has been dysfunctional for a while. It would be ideal if all 5 Commissioners were City residents, but that's not the case... and there a reason why. I won't accept accusations that the Planner is driving this. Each Commissioner has their own voice and decision making authority. If the current building burns down while zoned UR, then we may end up with only 1-unit rebuilt and that home could be issued an STR license. How does that help the situation? It is currently surrounded by Commercial and PD uses, so the argument that this is spot zoning is wrong. The Council has already voted against allowing more than one STR per property, so that won't be an issue. Residents have the right to apply and make these requests. Each one is handled on an individual basis, and I believe this application stands on it's own.

Miller: The General Plan has been going on for a long time and is possibly still has a while to go. If there was a single family residence there right now, I wouldn't vote to change the zoning. By supporting this request we'll be preserving an opportunity to gain more housing. I support it.

*Motion (Miller/Baker) to adopt Resolution 2019-01 and Ordinance 2019-01; Approving the General Plan Land Use Map Amendment, holding the first reading of Ordinance 2019-01 to amending the Zoning Map. **Passed unanimously.***

3. Discussion/Decision regarding Interim City Manager Service Agreement.

City Manager Dan Berman's employment contract ends January 12th. The hiring process for a new City Manager is underway, but it is unlikely anyone will be ready to start work until late February. Mr. Berman would like to continue assisting the City during this time period and is proposing to do so as an independent consultant rather than a City employee. Mr. Berman is starting other work and needs to reduce his hours for the City accordingly.

The attached Independent Consultant Agreement would hire Mr. Berman as an independent consultant to perform Interim City Manager services for the City during the ongoing transition. Mr. Berman would work an average of 15 hours per week for nine weeks, through the week of the regular March Council meeting. The hourly rate of \$65 is very close to the current 'loaded' payroll cost to the City of approximately \$63/hr for the City Manager (including all payroll and retirement costs).

Mr. Berman would meet weekly with the Mayor to review work performed and prioritize tasks and projects. The Agreement can be modified either to extend or to shorten it as desired by the City based on the start date of the new City Manager and Mr. Berman's performance under the agreement.

Financial Implications: The total cost of the agreement through the anticipated nine weeks would be \$8,775 (135 hrs at \$65/hr). For comparison, continuing Mr. Berman's current employment contract through this time period would have a total payroll cost of approximately \$17,000. The hourly cost to the City is very similar, but the City will save approximately \$8,200 due to the reduced hours provided under this contract compared to the current 30 hrs/wk City Manager contract.

Alternatives: The City could designate City Clerk Gabe Adams as the Interim City Manager, and either forgo this Agreement entirely, or significantly reduce the duration of the agreement. This would save additional money on payroll, but would impact staff workload and City productivity

Public comment included:

Sungnome Madrone – Trinidad

Thanked Dan for his service, and noted he was a great asset to the City. Supported the Council continuing their relationship with him under the proposed agreement, as well as reminded them of grant opportunities with the North Coast Regional Partnership.

The Council stated their support for the agreement.

*Motion (West/Miller) to authorize the Mayor to enter into the attached Independent Consultant Agreement for Interim City Manager Services for an amount not to exceed \$8,775, and authorize a budget adjustment to shift that amount from payroll expense line items to the Contracted Services line item. **Passed unanimously.***

4. Discussion/Decision regarding Councilmember Commissionership Assignments

City Manager Berman explained that soon after each election, the Council has an opportunity to assign (or re-assign) the Committee/Commissionership roles they serve as City representatives.

Public comment included:

Shirley Laos – Trinidad Rancheria.

The Tribal Council does appreciate meeting with the Mayor for the Government Consultation meetings. Typically 3 representatives from the City has attended (City Manager, Mayor, and one other Councilmember.

The new list of assignments is as follows:

XI. FUTURE AGENDA ITEMS

- Davies: Planning Commission Makeup and By-laws.
- Ladwig: Climate Action Plan Presentation.
- Miller: Pursue water grants with the North Coast Regional Partnership.
- West: Invite Sunnoma Madrone to present his water source/supply concepts in more detail.
- Berman: RFP for Water Rate Analysis

ADJOURNMENT: 9:20pm

Submitted by:

Approved by:

_____ signed copy on file _____

Gabriel Adams

Trinidad City Clerk

_____ signed copy on file _____

Steve Ladwig

Mayor